


GREENVILLE POLICE DEPARTMENT POLICY AND PROCEDURES MANUAL		
Chapter 52	Internal Affairs	
Date Initially Effective 03/30/94	By The Order Of:  Hassan Aden, Chief of Police	
Date Revised 07/30/13	Date Reissued 07/30/13	Page 1 of 12

The purpose of this policy is to establish procedures pertaining to the handling of complaints against employees. The Internal Affairs Unit within the Greenville Police Department is important for the maintenance of professional police conduct and the overall integrity of the Department. A system has been developed to review and investigate citizen complaints and allegations of misconduct by Department employees and to take remedial or disciplinary action if needed. This policy is also designed to establish and maintain a level of confidence for the citizens of Greenville, to protect the integrity and rights of Department employees, and to protect the public from police misconduct.

It shall be the policy of the Police Department to investigate all complaints against the agency and its employees. The Internal Affairs Unit shall be responsible for the management of all allegations of misconduct to ensure they are investigated thoroughly, expeditiously, and impartially and for the secure maintenance of all records regarding citizens' complaints against Department employees.

### 52.1.1 GENERAL GUIDELINES AND AUTHORITY

CALEA Standard 52.2.1, 52.2.2

The goal of the Office of Internal Affairs is to insure that the integrity of the Greenville Police Department is maintained through a system of internal discipline where objectivity, fairness, and justice are assured by intensive and impartial investigations and reviews. For the purposes of this directive, the following definitions shall apply:

*Misconduct:* Any wrongful action by an employee, intentionally or unintentionally, that results from erroneous judgment or a disregard for established policies and procedures.

*Citizen Complaint:* An allegation by any individual that a Department employee has misused authority, acted illegally or unethically, or violated City or Department policy.

*Statutory Authority:* All disciplinary actions taken under this policy are subject to, and must be administered in accordance with the City of Greenville Personnel Policy and Procedures for disciplinary action.

#### Investigative Classifications

All investigations of violations against the Department or its employees will be classified as one of the following.

- **Non Disciplinary Matter (NIM)** – Certain minor violations of department policies or procedures do not require disciplinary action and therefore qualify for a non-disciplinary disposition. A non-disciplinary disposition is only available under limited circumstances as determined by the Office of Internal Affairs on a case-by-case basis. Although a NIM disposition is maintained by the Office of Internal Affairs, matters resolved through the NIM process do not result in a sustained complaint.

- **Internal Investigations** – A classification used to investigate various levels of misconduct. The investigation may include the submission of verbal or written statements from involved employees regarding an allegation, the review of existing records, and/or interviews of witnesses or complainants.
- **Class I and Class II** investigations are investigations conducted on minor allegations of misconduct. These involve violations of Class 1 and Class II rules in the Code of Conduct. Class I and Class II investigations can be investigated by the employee's immediate supervisor, another non-affiliated supervisor, or the Office of Internal Affairs.
- **Class III, Class IV, & Class V** – Investigations involve more serious allegations of misconduct that generally require that the investigation be conducted by the Office of Internal Affairs or as directed by the Chief of Police. These involve violations of Class III, IV, and V rules in the Code of Conduct. Regardless of the Classification in the Code of Conduct, the following categories of complaints shall be investigated by the Office of Internal Affairs:
  - Allegations alleging criminal activity
  - Allegations of harassment of any kind
  - Allegations of bias based profiling
  - Excessive Force
  - Firearms Discharge (in accordance with the Firearms Discharge Investigative Review Team as outline in GO 1.3.2)
  - Allegations of Internal Theft
  - Any other investigation as directed by the Chief of Police

#### **Authority of the Chief of Police**

Final Departmental disciplinary authority and responsibility rests with the Chief of Police. Appeal beyond the Chief of Police is governed by the City of Greenville.

#### **Authority of Bureau Commanders**

Bureau Commanders are hereby delegated the authority to initiate administrative investigations of employees. Bureau Commanders are also delegated authority to impose disciplinary action, if such action is ratified by the Chief of Police prior to imposition. Any disciplinary action imposed by a Bureau Commander may be appealed to the Chief of Police prior to ratification of the action by the Chief of Police.

#### **Authority of Division Commanders/Platoon Commanders**

Division/Platoon Commanders may initiate an administrative investigation against any employee when they have either observed a violation of policy or have received an allegation alleging a violation of policy.

#### **Authority to Impose Emergency Suspension**

All Departmental supervisors shall have the authority to impose emergency suspension (relief from duty) on any subordinate. An emergency suspension is justified any time it appears that an employee's continued presence on the job is a substantial and immediate threat to the welfare of the Department or the public, or, whenever the employee refused to obey a direct order issued in the conformance with the law or Departmental policies. The supervisor initiating this action shall make an immediate notification to the appropriate Bureau Commander and prepare a written memorandum outlining the relevant facts that led to the emergency suspension.

In such situations, the relieved employee and the supervisor who imposed the emergency suspension and the suspended employee's Bureau Commander shall report to the Office of the Chief on the following business day at 8:00 a.m., unless otherwise directed by the Chief of Police.

Under the ordinances of the City of Greenville, Section 5-1-2, the Chief of Police shall have power to suspend any employee of the Department for a period of 30 days, whenever necessary as determined by the Chief of Police. Upon suspending an employee, the Chief shall immediately report this action to the City Manager in writing, stating the reasons for the suspension.

### **Authority to Allow Informal Guidance**

Nothing contained in this Policy shall prohibit the giving of informal guidance to any employee by a supervisor regarding minor infractions of Departmental policy or procedures which do not result in formal disciplinary action being taken. In fact, supervisors are *encouraged* to handle minor concerns or performance issues at the first line supervisor level when deemed appropriate. Counseling and notes to a shift/unit level file would be appropriate manners of handling minor violations of policy or observed behavior that could be appropriately addressed at this level. Repeated violations may require a more formal action.

## **52.1.2 Non-Investigative Matter (NIM) Process**

The Department realizes that discipline is a top stress factor among police officers and is committed to implementing a discipline system that utilizes innovative options to correct deficient behavior at the lowest level possible. For this reason the Non-Investigative Matter (NIM) Process has been implemented which allows certain minor violations to be addressed without resulting in disciplinary action against the employee. All matters ruled NIM eligible will be tracked separately from internal affairs investigation by the Office of Internal Affairs.

The NIM process can quickly address and correct certain minor violations of Department policies in lieu of handling the matter through the formal Internal Affairs process, which is designed to handle major Departmental violations. All supervisors have the authority to offer a NIM disposition to an employee after they have confirmed through the Office of Internal Affairs that the employee is eligible to receive a NIM disposition.

Minor Violations of Departmental policy that are approved for a NIM disposition are:

- Missing off-duty/extra-duty assignment
- Minor police policy/procedure violations
- Certain Attitude & Demeanor complaints that do not involve allegations of bias policing
- Department Motor Vehicle Crashes, with the following exceptions:
  1. Two-vehicle accidents are NIM eligible if both vehicles are Department-owned and there are no injuries, or
  2. A Department-owned vehicle strikes a parked, unoccupied vehicle, or other object
- The Office of Internal Affairs Investigator has the authority to consider other violations for NIM eligibility on a case-by-case basis.

### **Eligibility**

Employees may be eligible for a NIM disposition if there is no previous pattern of the same type of misconduct that resulted in a NIM or sustained complaint within the previous 24 months. Supervisors reserve the right to not offer a NIM disposition based on unit-level concerns.

### **Supervisor Responsibilities**

Supervisors of employees that have committed violations that are NIM eligible will, as soon as practical, but within three calendars days, contact the Office of Internal Affairs to determine whether or not the employee is eligible for a NIM disposition. If the employee is eligible for a NIM disposition, the supervisor will contact their Bureau Commander to determine whether a NIM will be offered or a formal investigation will be initiated. The Bureau Commander has the authority to determine how to proceed.

If the decision to offer a NIM disposition is made, the investigating supervisor will meet with the employee and discuss the NIM process as an option. If the employee agrees to the NIM process and acknowledges the violation, then a shift/unit level non-disciplinary sanction must also be agreed upon. Employees will have five calendar days from the date of notification to proceed with the NIM process or prefer a formal investigation. Once an agreement is reached, the investigating supervisor will complete a NIM agreement and forward it through the Chain of Command to the Office of Internal Affairs. This NIM agreement does not result in a sustained complaint.

**Bureau Commander Responsibilities**

Upon completion of complaints that are NIM eligible, Bureau Commanders will forward the NIM Agreement form and any supporting documentation such as vehicle crash investigations, copies of counseling memorandums and/or other documentation of agreed upon sanctions, to the Office of Internal Affairs. The data from the complaint will be entered and maintained by the Office of Internal Affairs tracking system. NIM cases are considered in the activation of the Personnel Early Warning System in accordance with Section 35.1.6 of the Greenville Police Department's Policies and Procedures.

Bureau Commanders have ten calendar days from the date of receipt to forward the completed NIM packet to the Office of Internal Affairs.

**Office of Internal Affairs Responsibilities**

The Office of Internal Affairs will be responsible for determining NIM eligibility of employees by reviewing the Internal Affairs Case Management Log. Once eligibility is determined, the information will be promptly forwarded to the appropriate supervisor.

The Office of Internal Affairs will review all NIM packets and file them appropriately. The Chief of Police will receive a periodic report that includes all cases involving NIM dispositions.

**52.1.3 CITIZEN COMPLAINTS**

CALEA Standard 52.1.1, 52.1.2, 52.1.3, 52.2.2, 52.2.5

All complaints made against the Greenville Police Department or its employees, including anonymous complaints, shall be investigated. All allegations of impropriety on the part of any employee of the Greenville Police Department shall be referred to the on-duty supervisor for initial action. When possible, citizens shall make complaints in person with the on-duty supervisor at the Police Department. In the event, a citizen refuses to come to the Police Department or is unable due to extenuating circumstances; the citizen complaint may be taken over the phone.

**Supervisor's Responsibilities**

Any supervisor who receives a complaint against an employee *or* observes what they believe to be an inappropriate action, incident of poor job performance, or violation of policy, should first determine whether the complaint is a minor enough concern or violation of policy to be handle at the first-line supervisor/shift level. Supervisors must be prepared to explain their use of discretion in addressing concerns or complaints involving employees under their command. Repeated minor violations by the same employee may also require that a formal investigation be conducted to correct the noted deficiency.

If the complaint involves a violation of policy a more formal investigation may be required. The supervisor receiving the complaint shall ensure a Citizen Complaint Form is completed. The Citizen Complaint Form will be forwarded to the Office of Internal Affairs for assignment.

**Bureau Commander Responsibilities**

When a Bureau Commander has become aware of a citizen complaint they shall determine the class of the complaint. The Bureau Commander shall choose the appropriate course of action:

- If the citizen complaint is alleged to be a minor enough violation and can be handled at the first-line supervisor/shift level, the complaint will be forwarded to the appropriate Division/Platoon Commander for a possible Non-Investigative Matter (NIM).
- If the complaint falls under the guidelines of a Class III, Class IV, or Class V violation that may require investigation by the Office of Internal Affairs, the complaint will be forwarded to the Office of Internal Affairs.
- If the complaint involves information of such a sensitive nature or that is expected to be significantly complex, the Bureau Commander shall forward the citizen complaint to the Office of the Chief of Police.

### **Supervisor Responsibilities and Authority to Investigate**

Allegations of misconduct, other than those that call for a formal investigation, are encouraged to be handled at the first line supervisor/shift level. Any supervisor who receives a complaint against an employee or observes what they believe to be an inappropriate action, incident of poor job performance, or violation of policy, should first determine whether the complaint is a minor enough concern or violation of policy to be handle at the first-line supervisor/shift level. The supervisor who investigates an allegation of misconduct shall take the investigation to its conclusion, including a full documentation of the investigation and application of discipline if required which is within their authority to carry out. Supervisors must be prepared to explain their use of discretion in addressing concerns or complaints involving employees under their command. Repeated minor violations by the same employee may also require that a formal investigation be conducted to correct the noted deficiency.

If the complaint involves a violation of policy a more formal investigation may be required. The supervisor receiving the complaint shall ensure a Citizen Complaint Form is completed. The Citizen Complaint Form will be forwarded to the Office of Internal Affairs for assignment. Responsibilities of the investigating supervisor include the following:

- Supervisors shall advise the appropriate Bureau Commander of the initiation of any Non-Investigative Matter (NIM).
- Supervisors should make every effort to contact employees while they are on duty for the investigation of Non-Investigative Matter (NIM).
- When an allegation of misconduct is sustained, that employee's history should be reviewed and considered for progressive disciplinary purposes.
- When information obtained during a Non-Investigative Matter (NIM) rises beyond the scope authorized for a Non-Investigative Matter (NIM), the Office of Internal Affairs will be notified for appropriate assignment and processing.
- All completed Non-Investigative Matters (NIMS) will be forwarded to the appropriate Bureau Commander for review prior to notifying the affected employee of findings and/or disciplinary action. The Bureau Commander will sign the completed review and return it to the investigating supervisor for filing. Supervisors will maintain a copy of completed Non-Investigative Matter in the employee's shift level personnel file for one year.

First line supervisors may initiate the following actions upon employees under their control:

- Non-punitive action (Note to File, Counseling, Additional Training, etc.)
- Recommendation for Punitive Discipline
- Recommendation for Remedial Training
- Recommendation for Continued Probationary Status

**Internal Affairs Staffing and Responsibilities**

The Office of Internal Affairs is assigned to the Office of the Chief of Police. The Internal Affairs Officer reports directly to the Chief of Police to relay information and discuss matters related to an internal affairs investigations or similar sensitive issues. Supervisors assigned to conduct internal affairs investigations may report to the Chief of Police through the Internal Affairs Office.

The Internal Affairs Office shall be made aware of all investigations against employees that rise above shift-level; however, unless specifically assigned to handle the actual investigation of the complaint, Internal Affairs will only review the final investigative report and related paperwork for thoroughness and maintain them in the Internal Affairs files upon final disposition by the Chief of Police. At the discretion of the Internal Affairs Office, and with approval by the Chief of Police, Internal Affairs may take over or direct any investigation involving an employee of the Police Department. If a complaint is reported directly to the Internal Affairs Office by a complainant, the Internal Affairs supervisor will: Determine whether the complaint is a minor enough concern or violation of policy to be handled informally at the first-line supervisor/shift level and forward the information to the appropriate Bureau Commander for assignment, or Determine that a complaint requires a formal investigation, complete a Citizens Complaint Form and:

- Assign a Complaint Number and record the information in the IA Trak Database.
- Forward a copy of the Complaint Form to the appropriate Bureau Commander for assignment *or* determine that the complaint falls under the guidelines that require investigation by the Office of Internal Affairs and forward a copy of the Complaint Form to the appropriate Bureau Commander to notify them that an Internal Affairs Investigation is being conducted.
- Send a verification letter to the complainant acknowledging the Department's receipt of the complaint and a copy of the Complaint Form will be included.
- Send a notification of complaint letter to the affected employee(s) informing them of the alleged violation and the employee's rights and responsibilities relative to the investigation. A copy of the Complaint form will be included.

**Confidentiality**

The Office of Internal Affairs shall maintain records of all complaints made against the Department or its employees and all records pertaining to Internal Affairs investigations. All records shall be stored in the Office of Internal Affairs in a secure file, separate from general files.

All internal investigations and all supporting materials are considered part of an employee's personnel file. Therefore, all information pertaining to an internal investigation is confidential and North Carolina General Statute 160A-168 governs disclosure. It is the policy of the Greenville Police Department to preserve the confidentiality of the information, protect the complainant that utilizes this process, and the rights of the individual accused regardless of the findings. An employee's name, the investigation findings and discipline action taken will be released upon request to the complainant in all investigations involving suspensions, demotions, or dismissals as authorized by North Carolina General Statute 160A-168. However, disclosure of statistical information on the processing of all complaints to include the number, type, and outcome of internal affairs investigations is in the best public interest and is not prohibited by the policy of confidentiality.

**Investigation of All Citizens Complaints**

All citizens complaints made against the Greenville Police Department or its employees shall be investigated, including anonymous complaints. All articulated complaints will be reproduced in written form by on-duty supervisory personnel or by the Office of Internal Affairs. Individuals both within the Department and outside the agency may make complaints in any of the following ways:

- In person
- Telephone

- Written correspondence, either signed or anonymous
- Electronic Correspondence
- Through supervisory personnel
- By or through the Office of the City Manager

Complaints received during the hours between 8:00 AM and 5:00 PM, Monday through Friday that will most likely require a formal investigation will be referred to the Office of Internal Affairs. Minor complaints, questions, or concerns that will most likely fall under the definition of a Non-Investigative Matter (NIM) or other informal processing should be referred to the affected employee's immediate supervisor or appropriate Bureau Commander if they are available. If a complaint is received after hours, the complainant will be referred to the on-duty Platoon Commander or a Patrol Sergeant. If the Platoon Commander or Sergeant is not available, the complainant will be advised and information will be obtained so that a supervisor can make contact with the complainant as soon as practical.

### **Processing Complaints**

To ensure consistency and accountability in the handling of all allegations of misconduct against personnel of the Greenville Police Department that rise above the level, or cannot be resolved through, a Non-Investigative Matter (NIM) shall be routed through the Office of Internal Affairs. The processing of formal investigations shall include the assignment of a complaint number by the Office of Internal Affairs. Class I and Class II Investigations and Non-Investigative Matters shall normally be assigned to the appropriate supervisor. Any supervisor may initiate a Non-Investigative Matter (NIM) based on personal observation or knowledge, or information obtained from a citizen or Department employee.

Greenville Police Department Policy identifies the class of complaints that can be assigned by the Office of Internal Affairs to the appropriate Bureau Commander. At the conclusion of any Non-Investigative Matter (NIM), if the supervisor has not identified the allegation as one that rises to a Class III, Class IV, or Class V investigation the review and related documentation will be forwarded to the appropriate Bureau Commander for review, comments and approval of final disposition.

### **Records Documentation**

The Office of Internal Affairs shall maintain all documentation involving an internal Investigation. Documentation shall include the date, time, and location of the incident. A copy of records generated by the Office of Internal Affairs may be forwarded to the City Manager for review and may be placed in the employee's personnel file in the City of Greenville Human Resources Department. Except for copies of records placed in the Human Resources Department personnel files, all related documentation shall be maintained only in the Office of Internal Affairs in a secure file. Such records will be accessible to the Chief of Police, Internal Affairs personnel, Administrative Services Bureau Commander, and the employee as provided in North Carolina General Statute 160A-168. Incidents documented in this manner shall include:

- Written reprimands
- Mandatory transfer
- Suspension
- Demotion
- Termination
- Resignation

Internal Affairs records shall include the following official Greenville Police Department documents:

- Rights/Responsibilities of Employees
- Form Letter to Complainant – Notification of Receipt of Complaint
- Form Letter to Employee – Notification of Receipt of Complaint
- Form Letter to Bureau Commander – Notification of Receipt of Complaint
- Form Letter to Complainant – Notification of Completion of Investigation

- Form Letter to Employee – Notification of Completion of Investigation
- Release of Internal Investigation Information Rights and Consent Form (If applicable)
- Complaint Investigation Signature Sheets
- Completed Investigations
- Internal Affairs Notification of Complaint Form (For Summarizing a Complaint)
- Internal Investigations Status Report (Class III, IV, V)
- Contact Log/Case Log
- Non-Investigative Matter Agreement (if applicable)

### **Purging of Records**

Unfounded, not sustained, and exonerated Internal Affairs complaints will be retained in an active Internal Affairs file for three (3) years after the close of the investigation. Sustained complaints will be retained in an active file five (5) years after the employee leaves employment with the City. All records shall be retained in an archive file for twenty years in accordance with the North Carolina Records Retention Schedule.

## **52.1.4 NOTIFICATION TO CHIEF OF POLICE**

CALEA Standard: 52.2.2

The Office of Internal Affairs completes an annual statistical summary of complaints based on records of internal affairs investigations for submission to the Chief of Police. Also, the Internal Affairs supervisor routinely updates the Chief of Police on complaints received, status of investigations, and other information regarding the internal affairs function

The Office of Internal Affairs will immediately notify the Chief of Police of serious complaints or a pattern of complaints against the Department or its employees. Examples of such complaints include sexual harassment, excessive use of force, use of deadly force, and/or the arrest of a Department employee. Additionally, the Chief of Police shall be notified as soon as practical of all investigations that have the potential to result in civil action against an employee or the City. Such investigations shall include, but are not limited to, violations of civil rights (USC 1983 claims) such as use of excessive force, false arrests, incidents resulting in significant injury of an officer or civilian, and complaints by a subordinate police officer against a superior. The Chief of Police may request contact be made with the Assistant City Attorney for direction on which course to proceed and assistance throughout the investigation.

The Chief of Police or Assistant City Attorney shall maintain liaison with the District Attorney's Office for investigations that involve alleged criminal conduct on the part of any employee. Actual investigations will be coordinated by the Investigations Bureau Commander or a designee and will afford the Department an opportunity to obtain legal advice and assistance with case preparation.

## **52.1.5 TIME LIMITS/DISPOSITIONS**

CALEA Standard: 52.2.3, 52.2.4

All Class III, Class IV, or Class V investigations must be completed within 60 days from the beginning of the investigation. If the investigation cannot be completed within 60 days an extension may be requested through the Bureau Commander. Requests for extensions must be made prior to the 60-day deadline and submitted in writing to the Chief of Police through the Chain of Command. The Bureau Commander shall be advised that an extension is being requested and the reason for the extension. The Chief of Police may grant extensions when extenuating circumstances are present. If an extension is granted, the Office of Internal Affairs must notify the complainant of the extension and provide an approximate time period as to when they expect the investigation to be completed. The Office of Internal Affairs will keep the Chief of Police, complainant, and officer advised of the status of all Class



III, Class IV, or Class V Investigations. All investigations must be completed as soon as possible. Supervisors upon completing or receiving a completed Class III, Class IV, or Class V investigation shall conclude the report, including the Cover Sheet and attaching the necessary documentation, and classifying the disposition into one of the following five categories:

- **NOT INVOLVED** – The employee was not present at the time the alleged misconduct occurred.
- **UNFOUNDED**– The investigation indicates that the alleged act(s) or omission(s) complained of did not occur or did not involve police personnel.
- **NOT SUSTAINED** – The investigation indicates there was insufficient evidence either to prove or disprove the allegation(s).
- **EXONERATED** – The investigation indicates that the act(s) or omission(s) did occur, but were justified, lawful and proper.
- **SUSTAINED** – The investigation disclosed sufficient evidence to prove the allegation(s) clearly.
- **POLICY REVIEW** – The Department's written policy or procedure may not properly address the allegation or action that led to the alleged conduct and the investigation reveals that a policy or procedural change may be necessary.

The Chief of Police may, after review of the investigation, reclassify the recommended disposition and then take action as outlined in this policy. Disciplinary actions will be in accordance with the Greenville Police Department Policy and Procedures Manual, Section 26.1.2, "Code of Conduct."

#### 52.1.6 NOTIFICATIONS AND WRITTEN ACKNOWLEDGMENTS

CALEA Standard: 52.2.4, 52.2.5

##### Notifications to Citizens

Persons who initiate complaints that are investigated above shift-level shall receive written acknowledgment of their complaint from the Office of Internal Affairs or a designee. The written acknowledgment shall notify the complainant that the complaint will be investigated under the management of the Office of Internal Affairs, shall provide the complaint number, and shall inform the complainant that he/she will be notified when the investigation is completed. Attached to the Complaint Acknowledgment form letter shall be a copy of the completed Notification of Citizen Complaint, which summarizes the allegation.

The status of each Class III, Class IV, or Class V investigation initiated pursuant to the dictates of this Order shall be monitored and documented through written Status Reports prepared every seven (7) days throughout the period of investigation. Information concerning the status of the investigation shall be available to the complainant. Contact with the complainant shall be made periodically during the investigation at the discretion of the Office of Internal Affairs, at the request of the complainant, and at the conclusion of the investigation. Contact may be made by telephone and/or by written notification. All contacts, whether written or by telephone, shall be documented in the Internal Affairs Investigation file. Specific information disclosed to the complainant shall be determined by the Chief of Police. The Office of Internal Affairs shall determine the frequency of contact with the complainant after considering the factors and time elements particular to an on-going investigation.

##### Employee Notification and Rights

When an employee becomes the subject of an Internal Affairs Investigation, relative to a complaint, the employee will be issued a written statement of the allegations and an explanation of the employee's rights and responsibilities relative to the investigation. Written notification will come from the Office of Internal Affairs or a designee.

#### 52.1.7 INSTRUMENTS OF DETECTION

CALEA Standard: 52.2.6

**Investigative Tools**

The Chief of Police may require an employee to submit to any diagnostics tests or disclosures, including but not limited to those contained in this directive, when the test or disclosure is specifically directed and narrowly related to an Internal Affairs investigation regarding the employee. Disclosure of financial information may be required of an employee under investigation if such information becomes material to the investigation. Failure to follow a direct order of this nature may result in a separate disciplinary action against the employee up to and including dismissal from the Department.

**Departmental Questioning**

An employee may be compelled to answer questions that are related to his/her duties, fitness for duty, or that concern the subject matter of the Administrative or Internal Affairs Investigation. Failure to answer such questions may be the basis for disciplinary action and may result in dismissal from the Department. The answers given during the investigation of an administrative matter will not be used against the employee in any criminal proceeding. The answers given do not constitute a waiver of the privilege against self-incrimination as in criminal matters. During an Administrative Investigation, legal representation for the employee will not be permitted to be present. However, the City of Greenville Assistant City Attorney shall be permitted to be present when requested by the Chief of Police or designee.

The interview of an employee for purposes of an internal investigation shall be conducted at a reasonable hour, preferably at a time when the employee is on duty, unless the seriousness of the allegation requires immediate action. Whenever possible, every attempt will be made to notify the supervisor of the employee who is to be interviewed. The employee being interviewed shall be asked questions by and through no more than two investigators.

The interview session shall be for a reasonable period of time, depending upon the seriousness of the investigation. Unless the Chief of Police or designee directs otherwise, a period of two hours shall be the maximum time for any one session of interview. When requested, time shall be provided for personal necessities.

**Medical, Laboratory, or Chemical Tests**

A commanding officer, based on his/her observation, may require a Department employee to submit to a test for alcohol or drug use while on duty. The results may be used in a disciplinary hearing. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee's dismissal.

If the employee is believed to be under the influence of alcohol, a certified chemical analyst will administer the test. The commanding officer will witness the test and will be required to sign the report. If the employee has a reading of .01 or higher or there is other competent evidence of impaired abilities to perform the duties, the employee shall be relieved of duty and a report made to the Chief of Police by the commanding officer.

If the employee is believed to be under the influence of self-administered drugs, the employee may be compelled to submit to a blood and/or urine test. The test shall be administered according to the guidelines set forth in the City of Greenville Drug Policy. The sample will be handled using the same safeguards as evidence in a criminal proceeding.

If the test shows positive results, or there is other competent evidence of impaired abilities to perform duties, the police employee shall be relieved of duties and a report made to the Chief of Police by the commanding officer.

If an employee refuses to submit to a test, (alcohol or drugs), then the commanding officer will immediately relieve the employee from duty for failure to cooperate in an Administrative Investigation and a report must be forwarded to the Chief of Police.

**Non-Testimonial Identification**

The investigation may include the use of any combination of the following investigative aids when the information obtainable from the aid(s) may be material to a particular internal affairs investigation.

- Fingerprints, palm prints, footprints
- Hair, blood, breath, urine samples
- Handwriting exemplars
- Voice exemplars
- Photographs
- Line-up
- Polygraph
- Other non-testimonial identification

**52.1.8 RELIEVED OF DUTY**

CALEA Standard: 52.2.7

Under the ordinances of the City of Greenville, Section 5-1-2, the Chief of Police “shall have power to suspend any employee of the Department for a period of 30 days, whenever necessary as determined by the Chief of Police. Upon suspending such employee the action shall be immediately reported to the City Manager in writing, stating the reasons for suspension.”

During an internal investigation, an employee may be relieved from duty due to physical and/or psychological unfitness for duty, an action pending disposition of an Internal Affairs investigation or whenever it would be in the public interest not to have the employee on active duty. Any supervisor has the authority and the responsibility to immediately relieve a subordinate employee from duty due to physical and/or psychological unfitness for duty when the employee is obviously not fit for duty. The employee who was suspended and the supervisor imposing the emergency suspension shall report to the Office of the Chief of Police at the start of the next business day (8:00 AM), unless the circumstances require a different course of action.

The supervisor initiating this action shall make an immediate notification to the appropriate Bureau Commander and prepare a written memorandum outlining the relevant facts that led to the emergency suspension. The written memorandum shall be completed and forwarded to the appropriate Bureau Commander before the supervisor leaves the station at the end of the shift on the day of the incident.

**52.1.9 STATEMENT OF CONCLUSION OF FACT**

CALEA Standard: 52.2.8

When an Internal Affairs investigation has been completed, the Office of Internal Affairs or supervisor conducting the investigation shall be responsible for issuing a written statement about the investigation that contains the conclusion of facts for each allegation. The supervisor will forward the conclusion of facts through the Chain of Command to the Office of Internal Affairs who shall forward it to the Chief of Police.

**52.1.10 PUBLIC INFORMATION AND STATISTICAL SUMMARIES**

CALEA Standard: 52.1.4, 52.1.5

The Greenville Police Department will make available to citizens a printed public information pamphlet, *Guidelines for Registering Compliments and Complaints* that outlines procedures and provides information on registering

compliments or complaints with the Department. Procedures for registering complaints against the agency or its members are also available through the Office of the Chief of Police.

In March of each year, the Office of Internal Affairs shall complete an annual statistical summary based on records of Internal Affairs Investigations for submission to the Chief of Police. This summary shall be made available to the public and Department.